

Stephen + Francine Fogel
7296 W. Mercada Way
Delray Beach, FL 33446

JAN - 6 2010

Re: Liquidation of Bernard L. Madoff
Investment Securities LLC Bankruptcy Case #
08-1789 (BRL)
claim # 013174

Clerk of the United States Bankruptcy
Court for the So. District of New York

Our Name is Stephen + Francine Fogel. We were (jointly) investors in
Rye Select Broad Market Prime Fund, L.P., which invested with Bernard
L. Madoff Investment Securities LLC ("BLMIS"), the defendant in this
case.

I filed a Notice of Claim with the SIPC Trustee relating to my
investment in Rye Select Broad Market Prime Fund, L.P. On Dec. 8,
2009, I received a Notice from the Trustee notifying me that
"Based on a review of available books and records of BLMIS by the
Trustee's staff, you did not have an account with BLMIS. Because
you did not have an account, you are not a customer of BLMIS under
SIPA, as that term is defined." The trustee thus denied our
claim

I disagree with the determination of the SIPC Trustee that
I (we) was not a customer of BLMIS.

Sincerely
Stephen Fogel
Francine Fogel